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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,546	12/22/2000	Nathan H. Jorgenson	9D-EC-19585 - Jorgenson	6866

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EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/742,546

Applicant(s)

JORGENSEN, NATHAN H.

Examiner

Jamisue A. Webb

Art Unit

3629



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-15.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 5. does NOT place the application in condition for allowance because: With respect to Applicant's argument that the specification provides enough support for the added limitation "without human intervention" by stating that an e-mail is automatically generated to the supplier: The specification states that the exceptions or notations are physically entered into the server by a receiver and then an automatically generated e-mail is sent to the supplier. The claims state that communication of exceptions or notations are sent to the server without human intervention, wherein the specification clearly states a person enters in the exceptions and/or notations into a server, clearly needing human intervention. The applicant has stated that the server is the supplier, yet in the specification it states the server sends an e-mail to the supplier, therefore does the server send an e-mail to itself. The arguments are not found to be persuasive and the new matter is still considered to lack the proper written description, and therefore, rejection stands as stated in the Final Office Action.

With respect to Applicant's statement that Wojcik teaches away from "without human intervention" due to the fact that the only embodiment is with human intervention: It is the examiner's position that Wojcik does not teach away from the method being automatic, it only contemplates the use of a human, but does not disclose that an automated process is not possible. Therefore rejection stands as stated in the Final Office Action.

With respect to Applicant's argument that there is no motivation to combine the references due to the fact that Vaidyanathan does not disclose the dispute resolution for use in error reporting relative to product actually received at a point of shipment receipt: the examiner is not relying on Vaidyanathan to teach this feature of the invention, the only thing the examiner is relying on Vaidyanathan for is to teach what was once done manually is now done automatically. The examiner considers error reporting to be a form of dispute resolution, therefore the combination of references teaches all the claimed limitations and the rejections stand as stated in the Final Office Action.

With respect to Applicant's argument that there is no motivation to combine or suggestion to combine any of the references: The examiner, in the final office action, has stated a reason and motivation to combine for each rejection. The applicant has not provided reason as to why the motivations, as set forth in the office action, are incorrect. Therefore the examiner considers there to be proper motivation, and the rejections stand as stated in the Final Office Action .